

In the Matter of
Case No. 23-Civ-6252 (JPC)

KRIMSKY
v.
WESTROCK COMPANY, et al.

Examination of Nickie Parker

Monday, July 29, 2024

CONDENSED



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<p style="text-align: right;">5</p> <p>1 N. Parker</p> <p>2 that could affect your ability to recall or relay</p> <p>3 facts?</p> <p>4 A No.</p> <p>5 Q Are you on any medication that affects</p> <p>6 your ability to recall and relay facts?</p> <p>7 A I'm not.</p> <p>8 Q Are you currently under the influence of</p> <p>9 any illicit drugs or alcohol?</p> <p>10 A I'm not.</p> <p>11 Q Do you know that you need to speak</p> <p>12 truthfully today to the best of your knowledge?</p> <p>13 A Yes.</p> <p>14 Q Have you previously given testimony under</p> <p>15 oath?</p> <p>16 A I have not.</p> <p>17 Q Do you have any criminal convictions?</p> <p>18 A I do not.</p> <p>19 Q Have you ever been a party to a lawsuit?</p> <p>20 A I have not.</p> <p>21 Q Have you ever complained about</p> <p>22 discrimination in the workplace?</p> <p>23 A I have not.</p> <p>24 Q Did you discuss today's deposition with</p> <p>25 anybody?</p>	<p style="text-align: right;">6</p> <p>1 N. Parker</p> <p>2 A Yes.</p> <p>3 Q Who did you discuss it with?</p> <p>4 A With Anissa Floyd that's here in the room,</p> <p>5 and also with Janice Agresti.</p> <p>6 Q Anyone else?</p> <p>7 A I think I told my husband what was</p> <p>8 happening but not details.</p> <p>9 Q Did you review any documents to prepare</p> <p>10 for today's deposition?</p> <p>11 A I looked at the claim, I looked at -- I</p> <p>12 think that's about it.</p> <p>13 Q Okay.</p> <p>14 MS. SLUSARZ: Can we go off the record for</p> <p>15 a second?</p> <p>16 (Whereupon, an off-the-record discussion was held.)</p> <p>17 BY MS. SLUSARZ:</p> <p>18 Q Ms. Parker, what is the highest level of</p> <p>19 education you've completed?</p> <p>20 A I have a master's degree in business.</p> <p>21 Q What school did you go to to get that?</p> <p>22 A Tulane University.</p> <p>23 Q Did you have any particular focus in your</p> <p>24 master's program?</p> <p>25 A International business.</p>
<p style="text-align: right;">7</p> <p>1 N. Parker</p> <p>2 Q Do you have a bachelor's degree?</p> <p>3 A I do.</p> <p>4 Q What did you study as an undergrad?</p> <p>5 A Chemical engineering.</p> <p>6 Q Where did you get your chemical</p> <p>7 engineering degree?</p> <p>8 A Texas A&M University.</p> <p>9 Q Do you have any other higher education</p> <p>10 degrees?</p> <p>11 A I do not.</p> <p>12 Q Do you have any professional licenses?</p> <p>13 A I do not.</p> <p>14 Q Trade group certifications?</p> <p>15 A Not certifications. I'm part of a trade</p> <p>16 group but not certifications.</p> <p>17 Q You testified before that you're married;</p> <p>18 is that correct?</p> <p>19 A I am, yes.</p> <p>20 Q Do you have any children?</p> <p>21 A I do not.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 N. Parker</p> <p>2 Q What is your date of birth?</p> <p>3 (Whereupon, the following testimony was deemed</p> <p>4 confidential)</p> <p>5 A [REDACTED] 1974.</p> <p>6 MS. AGRESTI: Mark that confidential on</p> <p>7 the record, please.</p> <p>8 MS. SLUSARZ: Sure.</p> <p>9 MS. AGRESTI: Thank you.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">9</p> <p>1 N. Parker</p> <p>2 BY MS. SLUSARZ:</p> <p>3 Q You just turned 50?</p> <p>4 A I did.</p> <p>5 Q Who is your current employer?</p> <p>6 A Smurfit WestRock.</p> <p>7 Q What is your title at Smurfit WestRock?</p> <p>8 A SVP of commercial.</p> <p>9 Q What does that entail?</p> <p>10 A I have responsibility for our corrugated</p> <p>11 packaging sales, our marketing, also our commercial</p> <p>12 excellence.</p> <p>13 Q What do you mean by commercial excellence?</p> <p>14 A Commercial excellence, that group manage</p> <p>15 pricing for our sales team, it also manages --</p> <p>16 connected with our HR department, manages sales</p> <p>17 training, learning and development, it also helps us</p> <p>18 with our commercial strategy.</p> <p>19 Q When did you become senior vice president</p> <p>20 of commercial?</p> <p>21 A About three weeks ago in that role.</p> <p>22 Q Congratulations.</p> <p>23 A Thanks.</p> <p>24 Q Before you were the senior vice president</p> <p>25 of commercial, what was your title?</p>	<p style="text-align: right;">10</p> <p>1 N. Parker</p> <p>2 A I was senior vice president commercial but</p> <p>3 for our business in the south.</p> <p>4 Q When did you become senior vice president</p> <p>5 of commercial for the south?</p> <p>6 A October of 2022.</p> <p>7 Q What were your job responsibilities as</p> <p>8 senior vice president of commercial for the south?</p> <p>9 A I had responsibility for all of our sales</p> <p>10 for our 33 plants across corrugated in the south, I</p> <p>11 also had responsibility for several of our</p> <p>12 end-of-market segments including our industrial</p> <p>13 packing, our home beauty and health packaging, our</p> <p>14 beverage packaging and our sheet feeders.</p> <p>15 Q What is a sheet feeder?</p> <p>16 A They make corrugated sheets that they sell</p> <p>17 to somebody else to make the box. So it doesn't</p> <p>18 actually make the box, we just sell the sheet of</p> <p>19 corrugated.</p> <p>20 Q Before you were senior vice president of</p> <p>21 commercial for the south, what was your next most</p> <p>22 recent job with WestRock?</p> <p>23 A Before that, I was senior vice president</p> <p>24 of our merchandising displays and graphics solutions</p> <p>25 business.</p>
<p style="text-align: right;">11</p> <p>1 N. Parker</p> <p>2 Q How long did you have that role?</p> <p>3 A I started about our merchandising displays</p> <p>4 business in about March of 2021 and then also got</p> <p>5 responsibility for our graphics solutions part of the</p> <p>6 business around February of 2022.</p> <p>7 Q What were your responsibilities as the</p> <p>8 senior vice president of merchandising displays and</p> <p>9 graphics solutions?</p> <p>10 A Sure. We had a business that does point</p> <p>11 of purchase displays, so manufacturers and sales</p> <p>12 point of purchase displays to the market. When I</p> <p>13 first took on that responsibility, just had the</p> <p>14 displays business and so again, sales and operations</p> <p>15 for that business.</p> <p>16 Then about a year into that role we</p> <p>17 had a separate business called graphics solutions,</p> <p>18 and the leader of that business was retiring so I</p> <p>19 brought those two businesses together and graphics</p> <p>20 solutions was the business that did preprint and</p> <p>21 managed litho laminating rolls to sell into the</p> <p>22 corrugated packaging business.</p> <p>23 Q What is the name of the manager who</p> <p>24 retired?</p> <p>25 A His name as Mark van der Kloet.</p>	<p style="text-align: right;">12</p> <p>1 N. Parker</p> <p>2 Q When did you first join WestRock or one of</p> <p>3 its predecessor entities?</p> <p>4 A As a summer intern during college, so in</p> <p>5 the summer of '93 I spent several summers as a</p> <p>6 summer intern and then joined full time in March of</p> <p>7 1998 after I graduated.</p> <p>8 Q In what year did you receive your MBA?</p> <p>9 A 2011.</p> <p>10 Q And your chemical engineering degree?</p> <p>11 A December of 1997.</p> <p>12 Q Before you were the senior vice president</p> <p>13 of merchandising displays, what was your next most</p> <p>14 recent role with WestRock or one of its</p> <p>15 predecessors?</p> <p>16 A Vice president of commercial excellence.</p> <p>17 Q What timeframe were you vice president of</p> <p>18 commercial excellence?</p> <p>19 A October of 2016 until I took the role in</p> <p>20 merchandising displays.</p> <p>21 Q Before vice president of commercial</p> <p>22 excellence, what was your role?</p> <p>23 A I was managing director of our business in</p> <p>24 Asia Pacific.</p> <p>25 Q During what time were you managing</p>

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<p style="text-align: right;">13</p> <p>1 N. Parker</p> <p>2 director of the Asia Pacific business?</p> <p>3 A I went to Shanghai from 2013, July 2013</p> <p>4 until 2016. I went over as head of sales but I</p> <p>5 became managing director some time after I got</p> <p>6 there. I don't remember exactly when.</p> <p>7 Q Before you went to Shanghai, what was your</p> <p>8 role at -- what was the name of the corporation at</p> <p>9 the time?</p> <p>10 A MeadWestvaco.</p> <p>11 Q Before you went over to Shanghai, what was</p> <p>12 your role at MeadWestvaco?</p> <p>13 A I was a vice president of our liquid</p> <p>14 packaging business.</p> <p>15 Q That's packaging for liquids, not packages</p> <p>16 made out of liquid, correct?</p> <p>17 A Correct, it's for liquid.</p> <p>18 Q During what timeframe did you have that</p> <p>19 role?</p> <p>20 A Let me think. So I would say I started in</p> <p>21 the liquid packaging business in 2011 as that role,</p> <p>22 about 2011.</p> <p>23 Q Before liquid packaging, what was your</p> <p>24 role?</p> <p>25 A I had been in our liquid packaging</p>	<p style="text-align: right;">14</p> <p>1 N. Parker</p> <p>2 business for several years and with increasing</p> <p>3 responsibility, so I believe I was a senior leader</p> <p>4 for our Americas and Europe business, before that</p> <p>5 just our Americas business. I had been in that</p> <p>6 liquid packaging business for quite a while.</p> <p>7 Q That started in 2011?</p> <p>8 A That started back in about 2004 when I</p> <p>9 started in liquid packaging and then had success</p> <p>10 over gained additional responsibility through those</p> <p>11 years.</p> <p>12 Q Before you started in liquid packaging,</p> <p>13 what were your responsibilities?</p> <p>14 A I was the quality assurance manager at our</p> <p>15 Evedale, Texas paper mill.</p> <p>16 Q During what time frame were you the</p> <p>17 quality assurance manager?</p> <p>18 A So without looking at my resume, it was</p> <p>19 2003, 2004, right in those few years. 2005, we are</p> <p>20 getting way back now. It was right around those</p> <p>21 times.</p> <p>22 Q Before that?</p> <p>23 A I was a technical sales service</p> <p>24 representative.</p> <p>25 Q What did that involve?</p>
<p style="text-align: right;">15</p> <p>1 N. Parker</p> <p>2 A I worked with customers on quality issues</p> <p>3 or developing new products and worked between our</p> <p>4 operations and our customers.</p> <p>5 MS. AGRESTI: I'm sorry, this is Janice.</p> <p>6 Can we go off record for a minute? We need to</p> <p>7 disable Teams on Ms. Floyd's laptop so messages</p> <p>8 are not appearing.</p> <p>9 MS. SLUSARZ: Okay.</p> <p>10 (Whereupon, a short recess was taken.)</p> <p>11 BY MS. SLUSARZ:</p> <p>12 Q We were talking about your role as a</p> <p>13 technical sales service representative.</p> <p>14 Were you a commissioned salesperson</p> <p>15 in that role?</p> <p>16 A No.</p> <p>17 Q Have you ever been a commissioned</p> <p>18 salesperson at WestRock or one of its predecessors?</p> <p>19 A I have not been.</p> <p>20 Q Before technical sales service rep, what</p> <p>21 was your role?</p> <p>22 A That was my first role out of college.</p> <p>23 First full-time role.</p> <p>24 Q Currently to whom do you report?</p> <p>25 A I report to the president of the</p>	<p style="text-align: right;">16</p> <p>1 N. Parker</p> <p>2 corrugated packaging business.</p> <p>3 Q Who is that?</p> <p>4 A Donald Sperico.</p> <p>5 Q So we are clear, in your current senior</p> <p>6 vice president of commercial role, are you</p> <p>7 responsible for the entire United States or global?</p> <p>8 A United States and Canada.</p> <p>9 Q How many direct reports do you currently</p> <p>10 have?</p> <p>11 A At least eight that I can think of right</p> <p>12 now.</p> <p>13 Q What are their titles?</p> <p>14 A I have a senior vice president of</p> <p>15 commercial for the west, I have a senior vice</p> <p>16 president of commercial for the midwest, I have a</p> <p>17 senior vice president of commercial in the north</p> <p>18 Atlantic, I have a vice president of marketing, I</p> <p>19 have a vice president of commercial excellence, I</p> <p>20 have a general manager for our joint venture, I have</p> <p>21 two field sales managers, and I also am still</p> <p>22 playing the role as the south leader because I have</p> <p>23 not filled that role yet, so I have another set of</p> <p>24 direct reports that would be for that role as the</p> <p>25 south leader, and I'm happy to go through all of</p>

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<p style="text-align: right;">17</p> <p>1 N. Parker</p> <p>2 those as well but hopefully at some point, I'm</p> <p>3 replacing myself in that south role. I wouldn't</p> <p>4 consider those direct reports for this current role.</p> <p>5 Q Ordinarily there would be a senior vice</p> <p>6 president of commercial for south but it's an open</p> <p>7 position?</p> <p>8 A It's an open position right now. There is</p> <p>9 about another eight people that report to that role</p> <p>10 that are still at this point reporting to me.</p> <p>11 Q Who is the senior vice president of</p> <p>12 commercial for the west?</p> <p>13 A Mark Rikkard.</p> <p>14 Q And for the midwest?</p> <p>15 A Jeff Turner.</p> <p>16 Q What about for the north Atlantic?</p> <p>17 A Tim Kelly.</p> <p>18 Q Who is the vice president of marketing?</p> <p>19 A Jeremy Keenan.</p> <p>20 Q And the vice president of commercial</p> <p>21 excellence?</p> <p>22 A Brittany McCall.</p> <p>23 Q Who is in charge of joint ventures?</p> <p>24 A Simon Shaw.</p> <p>25 Q The field sales managers?</p>	<p style="text-align: right;">18</p> <p>1 N. Parker</p> <p>2 A Dino Abbot and Tim Kocher.</p> <p>3 Q The field sales manager, do they have</p> <p>4 commissioned salespeople reporting to them?</p> <p>5 A One does, yes.</p> <p>6 Q To your knowledge, are they paid</p> <p>7 exclusively on commission or a combination of salary</p> <p>8 and commission?</p> <p>9 A I actually don't know. That's for our</p> <p>10 sheet feeder business.</p> <p>11 MS. SLUSARZ: Can you give me one second</p> <p>12 off the record?</p> <p>13 (Whereupon, an off-the-record discussion was held.)</p> <p>14 BY MS. SLUSARZ:</p> <p>15 Q How often are performance evaluations</p> <p>16 performed at WestRock?</p> <p>17 A Formally yearly.</p> <p>18 Q Is it on a cycle for the entire company at</p> <p>19 one time or is it based on your anniversary?</p> <p>20 A No. It's all on a cycle at the same time</p> <p>21 for everyone across the organization.</p> <p>22 Q When does that happen?</p> <p>23 A About September, October of each year. At</p> <p>24 the end of what was our fiscal year.</p> <p>25 Q Do you no longer have a fiscal year?</p>
<p style="text-align: right;">19</p> <p>1 N. Parker</p> <p>2 A Correct. With new Smurfit WestRock, we</p> <p>3 will be a calendar year.</p> <p>4 Q When was it changed over from WestRock to</p> <p>5 Smurfit WestRock?</p> <p>6 A Officially on July 5th and our first</p> <p>7 official day was on Monday, July 8th.</p> <p>8 Q Are you familiar with Marshall Krinsky?</p> <p>9 A Yes.</p> <p>10 Q How do you know Mr. Krinsky?</p> <p>11 A When I took on responsibility for our</p> <p>12 graphics solutions business, he was part of our</p> <p>13 graphics solutions business.</p> <p>14 Q How would you describe your relationship</p> <p>15 with Mr. Krinsky?</p> <p>16 A I would say he was a sales rep that was</p> <p>17 part of our graphics business and I started to get</p> <p>18 to know him once I joined that business as the</p> <p>19 leader.</p> <p>20 Q Was it a tense relationship, was it just</p> <p>21 professional?</p> <p>22 A Just a professional relationship.</p> <p>23 Q Did Mr. Krinsky ever complain to you about</p> <p>24 how he was treated by any of his managers at</p> <p>25 WestRock?</p>	<p style="text-align: right;">20</p> <p>1 N. Parker</p> <p>2 A Not that I recall.</p> <p>3 Q Were you involved at all in the closing of</p> <p>4 the Newark facility in 2019?</p> <p>5 A I was not.</p> <p>6 Q Were you involved at all in the decision</p> <p>7 to transfer Mr. Krinsky to the graphics solutions</p> <p>8 business?</p> <p>9 A I was not.</p> <p>10 Q When you were the senior vice president of</p> <p>11 merchandising displays and graphics solutions, how</p> <p>12 was the graphics solutions department organized?</p> <p>13 A We had an operations leader and then we</p> <p>14 had a sales leader and then when I took</p> <p>15 responsibility for it, Marshall was not reporting to</p> <p>16 that sales leader and then I also had a supply chain</p> <p>17 leader. So the sales team, when I think about who</p> <p>18 had reporting to me, that was the groups at that</p> <p>19 time.</p> <p>20 Q You said Marshall wasn't reporting to the</p> <p>21 sales leader. To whom did you report?</p> <p>22 A Directly into Mark van der Kloet when I</p> <p>23 took on the team.</p> <p>24 Q Were there any other sales representatives</p> <p>25 in the graphics solutions department?</p>

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<p style="text-align: right;">21</p> <p>1 N. Parker</p> <p>2 A Yes. A guy named David Steele had sales</p> <p>3 representatives that reported to him. Marshall was</p> <p>4 a sales representative and we also had a sales</p> <p>5 representative that sold rolls externally.</p> <p>6 Q What do you mean by sold rolls externally?</p> <p>7 A For the most part, we sell boxes to our</p> <p>8 customers, but we had one representative that sold</p> <p>9 printed roll so that someone else could make the</p> <p>10 boxes.</p> <p>11 Q David Steele's two sales reps, one sold</p> <p>12 boxes and one sold printed rolls?</p> <p>13 A No. David Steele had a team of sellers,</p> <p>14 several, I don't remember how many but at least four</p> <p>15 or five. So there was a team of sellers under David</p> <p>16 Steele. They all sold boxes but they were high</p> <p>17 graphics printed, so graphics solutions. And then</p> <p>18 we had a gentleman that only sold rolls that were</p> <p>19 printed to someone else who would turn it into</p> <p>20 boxes, so kind of our competition. He sold rolls to</p> <p>21 our competition is the way to think about that.</p> <p>22 Q Where did the graphics business managers</p> <p>23 fit into the organization?</p> <p>24 A They worked for David Steele. They worked</p> <p>25 for David Steele.</p>	<p style="text-align: right;">22</p> <p>1 N. Parker</p> <p>2 Q Was David Steele the sales leader?</p> <p>3 A He was, yes.</p> <p>4 Q What were the graphics business managers</p> <p>5 responsibilities?</p> <p>6 A They were experts in understanding of our</p> <p>7 graphics business and worked with customers and</p> <p>8 worked internally with our plants on trying to sell</p> <p>9 value to customers of high graphics business.</p> <p>10 Q Were they organized by geographic</p> <p>11 location?</p> <p>12 A I don't remember how they were organized</p> <p>13 at that time.</p> <p>14 Q Do you recall if they only took orders</p> <p>15 from the sales representatives on David Steele's</p> <p>16 team?</p> <p>17 A I don't understand that question.</p> <p>18 Q Okay. Correct me if I'm wrong, my</p> <p>19 understanding is that the graphics business</p> <p>20 managers -- that sales representatives brought</p> <p>21 opportunities to the graphics business managers; is</p> <p>22 that accurate?</p> <p>23 A That's not the only way that happened.</p> <p>24 That definitely was part of the role, but there was</p> <p>25 also an expectation that graphics business managers</p>
<p style="text-align: right;">23</p> <p>1 N. Parker</p> <p>2 were working directly with customers and looking for</p> <p>3 new opportunities or managing current opportunities.</p> <p>4 Q Were they looking for new customers or</p> <p>5 looking for new opportunities with existing</p> <p>6 customers?</p> <p>7 A Both.</p> <p>8 Q Did they work with sales reps from other</p> <p>9 divisions within the organization?</p> <p>10 A That was part of their role, yes.</p> <p>11 Q Who were the graphics business managers</p> <p>12 when you were in charge of merchandising displays</p> <p>13 and graphics solutions?</p> <p>14 A I probably won't be able to name them all,</p> <p>15 but I can try to name as many as I remember. Patty</p> <p>16 Metalco, Tony Patarinni, Nicole Contraris, someone</p> <p>17 with the last name of Shu, I think it's Richard,</p> <p>18 Jeff Walker, I think was his name. That's all I can</p> <p>19 remember right now.</p> <p>20 Q What was Marshall Krinsky's title when you</p> <p>21 were in charge of graphics solutions and</p> <p>22 merchandising displays?</p> <p>23 A I don't remember what it was whenever I</p> <p>24 came into the business. I don't remember what it</p> <p>25 was, but I believe we made him a graphics business</p>	<p style="text-align: right;">24</p> <p>1 N. Parker</p> <p>2 manager.</p> <p>3 Q Why did you make him a graphics business</p> <p>4 manager?</p> <p>5 A He was doing the same role as the others,</p> <p>6 he was part of our graphics business and so it was</p> <p>7 important to have some consistency in our sales team</p> <p>8 so that everybody that was selling externally to</p> <p>9 customers were part of the same team and doing the</p> <p>10 same function.</p> <p>11 Q Why was that important?</p> <p>12 A When I look at the scope and span of what</p> <p>13 I had across both graphics and displays, I think it</p> <p>14 was important that we were consistent with our</p> <p>15 customers and while I believe he had just one</p> <p>16 customer, I think it was important that he was part</p> <p>17 of the broader team that managed our graphics</p> <p>18 solutions business.</p> <p>19 Q Were there -- did problems arise when he</p> <p>20 was not in any consistent position with the rest of</p> <p>21 the graphics solutions department?</p> <p>22 A One of the things I noticed right away,</p> <p>23 one of our expectations across every seller in</p> <p>24 WestRock in every division is that you're in</p> <p>25 Salesforce.com tracking opportunities, looking to</p>

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<p style="text-align: right;">25</p> <p>1 N. Parker</p> <p>2 grow new opportunities, and I noticed Marshall was</p> <p>3 not part of our Salesforce.com system. And training</p> <p>4 had been provided to everyone at WestRock, every</p> <p>5 seller, no matter what your role. So driving that</p> <p>6 consistency was important to me as a leader of this</p> <p>7 new business.</p> <p>8 I also think it was important that we</p> <p>9 were doing things like call reports and visits and</p> <p>10 that we had some oversight in consistency in that,</p> <p>11 and one of the things I noticed right away is that</p> <p>12 Marshall didn't give me any expense reports. There</p> <p>13 wasn't a clear understanding that when he was</p> <p>14 visiting customers, because there were no expense</p> <p>15 reports that suggested he was traveling or taking</p> <p>16 customers out for lunch or any of those things. It</p> <p>17 was important to me that we drive consistency on the</p> <p>18 customer experience we are creating, so being part</p> <p>19 of the sales team that he was a part of was</p> <p>20 important.</p> <p>21 Q In the graphics solutions department, who</p> <p>22 had the highest sales?</p> <p>23 MS. AGRESTI: Objection to form. You may</p> <p>24 answer.</p> <p>25 A What do you mean the highest sales?</p>	<p style="text-align: right;">26</p> <p>1 N. Parker</p> <p>2 Q Who brought in the greatest sales volume</p> <p>3 of the salespeople in the graphics solutions;</p> <p>4 department?</p> <p>5 A I don't know the answer to that.</p> <p>6 Q Who were the top five customers of the</p> <p>7 graphics solutions department?</p> <p>8 MS. AGRESTI: Objection to form. You may</p> <p>9 answer.</p> <p>10 (Whereupon, the following testimony was deemed</p> <p>11 confidential)</p> <p>12 A The largest was a customer called -- is</p> <p>13 Confidential and it's probably over a</p> <p>14 Confidential dollar business for graphics solutions</p> <p>15 business. If we look at the total of that graphics</p> <p>16 solutions business, it's almost a Confidential dollar</p> <p>17 business. If you think about the number of sellers</p> <p>18 we have, there are quite a few really large</p> <p>19 customers across that business.</p> <p>20 (Whereupon, the following testimony was deemed not</p> <p>21 to be confidential)</p> <p>22 MS. AGRESTI: Can we mark the numbers that</p> <p>23 were provided confidential, please?</p> <p>24 MS. SLUSARZ: Yes.</p> <p>25 MS. AGRESTI: Thank you.</p>
<p style="text-align: right;">27</p> <p>1 N. Parker</p> <p>2 BY MS. SLUSARZ:</p> <p>3 Q Was Pepperidge Farm considered a large</p> <p>4 customer?</p> <p>5 A I don't remember the exact size but I</p> <p>6 would have considered them a midsize customer for</p> <p>7 us.</p> <p>8 Q Do you remember what their sales volume</p> <p>9 was for the fiscal year that ended September 30,</p> <p>10 2022?</p> <p>11 A I do not.</p> <p>12 Q When you were in charge of graphics</p> <p>13 solutions and merchandising displays, were you aware</p> <p>14 that Mr. Krinsky had a history with cancer?</p> <p>15 A I did not.</p> <p>16 Q Who is the oldest salesperson in the</p> <p>17 graphics solutions business?</p> <p>18 MS. AGRESTI: Objection to form. You may</p> <p>19 answer.</p> <p>20 A I have no idea.</p> <p>21 Q Did you know that Mr. Krinsky was in his</p> <p>22 60s when you were in charge of graphics solutions</p> <p>23 and merchandising displays?</p> <p>24 A I did not know that.</p> <p>25 Q When you were in merchandising displays</p>	<p style="text-align: right;">28</p> <p>1 N. Parker</p> <p>2 and graphics solutions, did you receive any sales</p> <p>3 override on sales generated by the graphic business</p> <p>4 team?</p> <p>5 MS. AGRESTI: Objection, form.</p> <p>6 A Can you ask that again or in a different</p> <p>7 way? I'm not sure I understand what sales override</p> <p>8 means?</p> <p>9 Q Did you receive a commission or bonus</p> <p>10 based on the sales volume generated by your</p> <p>11 department?</p> <p>12 A Me, I did not.</p> <p>13 Q Do you know if the -- did the head of</p> <p>14 sales -- sales leader receive any bonus or</p> <p>15 commission generated from his division?</p> <p>16 MS. AGRESTI: Objection to form. You may</p> <p>17 answer.</p> <p>18 A The head of sales would have been on a</p> <p>19 salary plus stip and most of that was based on</p> <p>20 WestRock overall results.</p> <p>21 Q What do you mean by plus stip?</p> <p>22 A Short-term incentive plan. That would be</p> <p>23 what I would consider a yearly bonus.</p> <p>24 Q Was any component of the short-term</p> <p>25 incentive plan tied to the performance of his group?</p>

7 (Pages 25 to 28)

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29	<p>1 N. Parker</p> <p>2 A I don't know. I don't remember if his</p> <p>3 was.</p> <p>4 Q Why was Mr. Krinsky's compensation changed</p> <p>5 as of October 1, 2022?</p> <p>6 A When I took on the responsibility for the</p> <p>7 graphics business, Mark van der Kloet was retiring</p> <p>8 and we had probably two to three weeks of overlap</p> <p>9 that he was able to pass along all of the open items</p> <p>10 to me as he was leaving. He, at the time told me</p> <p>11 when Marshall came into the graphics business, he</p> <p>12 told him he would hold his salary constant for a</p> <p>13 year, and then he would be moving him to the</p> <p>14 graphics business manager compensation plan.</p> <p>15 And Mark admitted to me he hadn't</p> <p>16 taken care of it yet. I knew I needed to make that</p> <p>17 change. I was going to move him into David Steele's</p> <p>18 group so that all of our sellers were part of one</p> <p>19 team, and so Mark had told me he had communicated to</p> <p>20 him that change was going to be made. So at the</p> <p>21 time, I think it was October 1st of that year which</p> <p>22 was our new fiscal year, we moved him into David</p> <p>23 Steele's team and made his compensation consistent</p> <p>24 with the rest of the graphics business managers.</p> <p>25 Q He moved to Mark van der Kloet's team in</p>	30	<p>1 N. Parker</p> <p>2 2019, correct?</p> <p>3 A I don't know.</p> <p>4 Q Do you know how long Mark van der Kloet</p> <p>5 paid him -- held his income constant?</p> <p>6 A I don't know.</p> <p>7 Q Would it surprise you to learn that it was</p> <p>8 three years?</p> <p>9 MS. AGRESTI: Objection to form. You can</p> <p>10 answer.</p> <p>11 A I don't know how long it was.</p> <p>12 MS. SLUSARZ: I would like to take a</p> <p>13 ten-minute break. It's 10:20. Can we break</p> <p>14 until about 10:30?</p> <p>15 MS. AGRESTI: That's fine with us.</p> <p>16 (Whereupon, a short recess was taken.)</p> <p>17 BY MS. SLUSARZ:</p> <p>18 Q Ms. Parker, are you familiar with the</p> <p>19 contract between WestRock and Campbell's/Pepperidge</p> <p>20 Farm?</p> <p>21 A I'm familiar there is one. I don't know</p> <p>22 that I'm familiar with a lot of the details.</p> <p>23 Q What do you know about it?</p> <p>24 A I believe they have been a customer for a</p> <p>25 long time. I believe we lost quite a bit of</p>
31	<p>1 N. Parker</p> <p>2 position here over the last two years. I would say</p> <p>3 they're high level, that's what I understand about</p> <p>4 it.</p> <p>5 Q Who was responsible for securing that</p> <p>6 contract for WestRock?</p> <p>7 A Originally, I don't know.</p> <p>8 Q The most recent written contract, who was</p> <p>9 responsible for securing that agreement with</p> <p>10 Campbell's/Pepperidge Farm?</p> <p>11 A I actually don't know.</p> <p>12 Q When you took over for Marshall van der</p> <p>13 Kloet, did you have any discussions about whether</p> <p>14 Mr. Krinsky would fit as a graphics business</p> <p>15 manager?</p> <p>16 A No.</p> <p>17 Q Did you consider other positions for</p> <p>18 Mr. Krinsky?</p> <p>19 A I considered that he was a salesperson and</p> <p>20 our sales team was all part of David Steele's team</p> <p>21 and so that was my consideration. I didn't consider</p> <p>22 him for other things outside of sales.</p> <p>23 Q You mentioned before there were sales</p> <p>24 representatives that reported to David Steele. Am I</p> <p>25 summarizing your testimony, correctly?</p>	32	<p>1 N. Parker</p> <p>2 A I would use the word sales representative</p> <p>3 and graphics business manager interchangeably. I</p> <p>4 would consider those all salespeople.</p> <p>5 Q Is it correct to say that there were no</p> <p>6 sale representatives who were not also graphics</p> <p>7 business managers?</p> <p>8 MS. AGRESTI: Objection to form. You can</p> <p>9 answer.</p> <p>10 A On David Steele's team?</p> <p>11 Q Yes.</p> <p>12 A Yes. I believe their title was all</p> <p>13 graphics business manager that I recall, but again I</p> <p>14 would use those two terms interchangeably. They</p> <p>15 were salespeople that worked with customers so I</p> <p>16 would consider those salespeople.</p> <p>17 Q To your knowledge, at the time when you</p> <p>18 were in charge of merchandising displays and</p> <p>19 graphics solutions, to your knowledge, did WestRock</p> <p>20 employee traditional outside salespeople?</p> <p>21 A Can you define what you would call</p> <p>22 traditional outside salespeople?</p> <p>23 Q People who were, I guess, exclusively</p> <p>24 commissioned outside salespeople?</p> <p>25 A Our graphics business team did not have</p>

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<p style="text-align: right;">33</p> <p>1 N. Parker</p> <p>2 any commissioned outside salespeople.</p> <p>3 Q To your knowledge, did any of the other</p> <p>4 teams within WestRock have commissioned outside</p> <p>5 salespeople?</p> <p>6 MS. AGRESTI: Objection to form. You can</p> <p>7 answer.</p> <p>8 A Other team within WestRock do.</p> <p>9 Q What are those teams?</p> <p>10 A Our corrugated packaging team has</p> <p>11 commissioned outside sales reps, our consumer</p> <p>12 packaging team has commissioned outside sales reps.</p> <p>13 Q Any other group?</p> <p>14 A Those are -- I believe most of our paper</p> <p>15 sales reps are not commissioned, but there could be</p> <p>16 people on that team but it's been many years since I</p> <p>17 have been part of that team.</p> <p>18 Q Did you talk to Mr. Krinsky about the</p> <p>19 change in his job title?</p> <p>20 A I did.</p> <p>21 Q What was the substance of those</p> <p>22 communications?</p> <p>23 A I remember telling him that it was</p> <p>24 important for me as I came into this role to have</p> <p>25 organizational consistency and moving him into David</p>	<p style="text-align: right;">34</p> <p>1 N. Parker</p> <p>2 Steele's team and having him part of that group was</p> <p>3 important.</p> <p>4 Q Why was it important to the company to</p> <p>5 have him in David Steele's team?</p> <p>6 A I believe it's important for a salesperson</p> <p>7 to drive a consistent experience for our customers,</p> <p>8 so if you think about WestRock, we have come</p> <p>9 together over the years through acquisitions and</p> <p>10 mergers. For me, when we approach a customer I</p> <p>11 think that customer experience we deliver is very</p> <p>12 important and so having a team that works</p> <p>13 consistently on how they create consistent</p> <p>14 experience for customers, whether you're part of our</p> <p>15 graphics business team or wherever you are in our</p> <p>16 business, creating that experience is important.</p> <p>17 Having just one person report separately, I don't</p> <p>18 think does very much to drive that consistency so</p> <p>19 having everyone part of a sales team was going to be</p> <p>20 important.</p> <p>21 Q If he was the only one calling upon</p> <p>22 Pepperidge Farm, wouldn't keeping him in his role</p> <p>23 maintain consistency with that customer?</p> <p>24 MS. AGRESTI: Objection to form. You can</p> <p>25 answer.</p>
<p style="text-align: right;">35</p> <p>1 N. Parker</p> <p>2 A We also may have had people from consumer</p> <p>3 packaging calling on that team. I do know they</p> <p>4 worked with people from our displays business and so</p> <p>5 with that logic, every single sales rep should be</p> <p>6 separate. What's important to me is we are driving</p> <p>7 consist for all of our customers, not just an</p> <p>8 individual customer. That's why it was important</p> <p>9 that it was part of the sales team.</p> <p>10 Q Was the decision to make Marshall Krinsky</p> <p>11 a graphics business manager successful vis-a-vis</p> <p>12 Pepperidge Farm and Pepperidge Farm's business?</p> <p>13 MS. AGRESTI: Objection, form. You may</p> <p>14 answer.</p> <p>15 A I don't know how -- are you asking from</p> <p>16 Pepperidge Farm's standpoint or from my standpoint?</p> <p>17 Q From the standpoint of WestRock. Was</p> <p>18 making this universal experience or consistent</p> <p>19 experience something that worked well for Pepperidge</p> <p>20 Farm?</p> <p>21 MS. AGRESTI: Objection to form. You may</p> <p>22 answer.</p> <p>23 A I don't know how to answer that question.</p> <p>24 I think having -- because another part of working</p> <p>25 with customers is customer service experience, the</p>	<p style="text-align: right;">36</p> <p>1 N. Parker</p> <p>2 operational experience, and so for our team being</p> <p>3 able to work with that customer the same way was</p> <p>4 important, so I would call that successful, so I</p> <p>5 think it drove consistency within our business in an</p> <p>6 important way.</p> <p>7 Q Didn't WestRock lose a lot of its business</p> <p>8 with Pepperidge Farm after the changeover in</p> <p>9 Mr. Krinsky's job?</p> <p>10 MS. AGRESTI: Objection, form. You may</p> <p>11 answer.</p> <p>12 A I don't know. I have heard that we lost</p> <p>13 business. I don't know the timing of when we lost</p> <p>14 business or how much we've lost. That was after the</p> <p>15 time I left the graphics business.</p> <p>16 Q Have you ever made any statements about</p> <p>17 Mr. Krinsky's age?</p> <p>18 A No, I don't know Mr. Krinsky's age.</p> <p>19 Q Have you ever said anything like, he's</p> <p>20 old?</p> <p>21 A I have not.</p> <p>22 Q Have you ever said anything suggesting</p> <p>23 that he's getting ready to retire?</p> <p>24 A I have not.</p> <p>25 Q If he was going to retire in a short</p>

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<p style="text-align: right;">37</p> <p>1 N. Parker</p> <p>2 period of time, would that inform your drive for</p> <p>3 consistency in Pepperidge Farm's experience with</p> <p>4 WestRock?</p> <p>5 MS. AGRESTI: Objection, form. I think it</p> <p>6 calls for a hypothetical. You may answer.</p> <p>7 A I have no idea if he was going to retire.</p> <p>8 Q Were you concerned that he was going to</p> <p>9 retire?</p> <p>10 A I had no idea of his age. I had no idea</p> <p>11 if he was going to retire. To be clear, this was</p> <p>12 during the days about a year after Covid, so most of</p> <p>13 our meetings were on Teams. To me, I believe from a</p> <p>14 cultural standpoint I like to see someone's face and</p> <p>15 talk to them. I've never seen Mr. Krinsky. I have</p> <p>16 no idea what his age is. I had never even see him</p> <p>17 to be able to understand if he was close to</p> <p>18 retiring.</p> <p>19 Q Did you tell him you hoped he saved up a</p> <p>20 lot of money when he was earning all commissions?</p> <p>21 A I don't think I said that.</p> <p>22 Q Were you present when anyone else made</p> <p>23 comments about Mr. Krinsky's age?</p> <p>24 MS. AGRESTI: Objection, form. You may</p> <p>25 answer.</p>	<p style="text-align: right;">38</p> <p>1 N. Parker</p> <p>2 A No.</p> <p>3 Q Were you present when anyone else made a</p> <p>4 comment about Mr. Krinsky and retirement?</p> <p>5 MS. AGRESTI: Objection, form. You may</p> <p>6 answer.</p> <p>7 A No, I don't recall ever hearing that he</p> <p>8 was close to retiring.</p> <p>9 Q David Steele didn't stay as the sales</p> <p>10 leader -- is not currently the sales leader of</p> <p>11 graphics solutions; am I correct?</p> <p>12 A He's not currently the sales leader;</p> <p>13 that's correct.</p> <p>14 Q Do you know why he left?</p> <p>15 A I do not. That was after my time in that</p> <p>16 business.</p> <p>17 Q Who is the current senior vice president</p> <p>18 of merchandising display and graphics solutions?</p> <p>19 A Tammie Siracusa.</p> <p>20 Q Who is the current sales leader within</p> <p>21 that department?</p> <p>22 A I don't believe she has one sales leader,</p> <p>23 but I don't know exactly the organizational</p> <p>24 structure she has right now.</p> <p>25 Q Was Ms. Siracusa your successor?</p>
<p style="text-align: right;">39</p> <p>1 N. Parker</p> <p>2 A She was, yes.</p> <p>3 Q Did you play any role in placing</p> <p>4 Mr. Krinsky on a performance improvement plan?</p> <p>5 A I did not.</p> <p>6 Q I would like to mark some documents. What</p> <p>7 I'm going to do is drop some documents into the chat</p> <p>8 and you should be able to open them from there. I</p> <p>9 will also share my screen. I find that a little</p> <p>10 awkward because I'm deciding your reading speed if I</p> <p>11 do that.</p> <p>12 The first document I'm going to mark</p> <p>13 is Bates-stamped Westrock0223 through 25 and this is</p> <p>14 going to be Exhibit 1, Plaintiff's 1.</p> <p>15 (Plaintiff's Exhibit 1, Marked for Identification.)</p> <p>16 MS. SLUSARZ: Now it's in the chat.</p> <p>17 MS. AGRESTI: Give me a minute to look at</p> <p>18 it before she does.</p> <p>19 THE WITNESS: I've got it.</p> <p>20 (Witness perusing document.)</p> <p>21 THE WITNESS: I'm looking at a performance</p> <p>22 evaluation.</p> <p>23 BY MS. SLUSARZ:</p> <p>24 Q Okay. Have you seen this document before?</p> <p>25 A I don't remember it, if I have. Is this a</p>	<p style="text-align: right;">40</p> <p>1 N. Parker</p> <p>2 performance evaluation I did or someone else did,</p> <p>3 because I can't tell who did this.</p> <p>4 Q That's what I was going to ask you. It's</p> <p>5 dated on the top 2022. When would that have been</p> <p>6 prepared?</p> <p>7 A Based on our timing, it would have been in</p> <p>8 the fourth calendar quarter, so I don't know if I</p> <p>9 did this or if it was Tammie who did it, but I can't</p> <p>10 look at it and tell.</p> <p>11 Q The fourth calendar quarter of which year?</p> <p>12 A 2022.</p> <p>13 Q This would have been -- a performance</p> <p>14 evaluation dated 2022 would be for the period</p> <p>15 October 1, 2021 through September 30, 2022?</p> <p>16 A That's right.</p> <p>17 Q Can you tell from the context whose</p> <p>18 performance evaluation it is?</p> <p>19 A It looks -- I don't know. Whoever was</p> <p>20 managing the Pepperidge Farm contract at that point.</p> <p>21 Q Whoever's this is, would you turn to the</p> <p>22 second page?</p> <p>23 A Okay.</p> <p>24 Q Whoever's performance evaluation plan this</p> <p>25 is, would you agree with me that the final rating is</p>

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<p style="text-align: right;">41</p> <p>1 N. Parker</p> <p>2 that this person successfully met expectations?</p> <p>3 MS. AGRETI: Objection, form. You may</p> <p>4 answer.</p> <p>5 A That's what it says.</p> <p>6 MS. SLUSARZ: I would like to mark another</p> <p>7 document.</p> <p>8 (Plaintiff's Exhibit 2, Marked for Identification.)</p> <p>9 MS. SLUSARZ: This will be Exhibit 2. It</p> <p>10 is Bates-stamped Westrock254. I will put that</p> <p>11 in the chat.</p> <p>12 (Witness perusing document.)</p> <p>13 BY MS. SLUSARZ:</p> <p>14 Q Ms. Parker, please take a few moments to</p> <p>15 review this document.</p> <p>16 MS. AGRETI: We're pulling it up now.</p> <p>17 Just a second.</p> <p>18 A I'm looking at it.</p> <p>19 Q Have you seen this document before?</p> <p>20 A I'm not copied on this document, so I</p> <p>21 don't recall seeing this document before.</p> <p>22 Q Can you tell me who Cameron McBride is?</p> <p>23 A He was, I would say, a finance person that</p> <p>24 was part of the graphics business, graphics</p> <p>25 solutions business, whenever I came into that</p>	<p style="text-align: right;">42</p> <p>1 N. Parker</p> <p>2 business.</p> <p>3 Q Who is Natalia Baldwin?</p> <p>4 A I don't recognize that name.</p> <p>5 Q In March of 2022, to your knowledge, was</p> <p>6 Mr. Krinsky still paid on a commission basis?</p> <p>7 A So this was -- I think this was before I</p> <p>8 moved into the business, so I don't know how he was</p> <p>9 paid before I moved into the business.</p> <p>10 MS. SLUSARZ: I would like to mark another</p> <p>11 document.</p> <p>12 (Plaintiff's Exhibit 3, Marked for Identification.)</p> <p>13 MS. SLUSARZ: This will be Exhibit 3. I</p> <p>14 put it into the chat. It's Exhibit 3,</p> <p>15 Bates-stamped Westrock0288 through 69.</p> <p>16 BY MS. SLUSARZ:</p> <p>17 Q Ms. Parker, please take a few moments to</p> <p>18 review this document. Let me know when you're ready</p> <p>19 to talk about it.</p> <p>20 (Witness perusing document.)</p> <p>21 MS. AGRETI: She's taking a look through</p> <p>22 it now.</p> <p>23 A Okay.</p> <p>24 Q Have you seen this document before?</p> <p>25 A Yes. These were emails between, it looks</p>
<p style="text-align: right;">43</p> <p>1 N. Parker</p> <p>2 like me and Carrie Robards and David Steele.</p> <p>3 Q From August 2022?</p> <p>4 A Yes.</p> <p>5 Q Were you in charge of merchandising</p> <p>6 displays and graphics solutions at this time?</p> <p>7 A Yes.</p> <p>8 Q Focusing on the email that begins at the</p> <p>9 bottom at the page from David Steele -- first, who</p> <p>10 is Katherine Smith?</p> <p>11 A Katherine Smith was my HR leader at the</p> <p>12 time for both graphics solutions and merchandising</p> <p>13 displays.</p> <p>14 Q How had you planned to tell Mr. Krinsky</p> <p>15 about the change in his job?</p> <p>16 A I was going to give him a letter with the</p> <p>17 details and also call and tell him directly.</p> <p>18 Q Was that going to come from you or</p> <p>19 Mr. Steele?</p> <p>20 A It was going to come from me, but what I</p> <p>21 thought what was important, and you can see that</p> <p>22 here in this email, that as soon as I had that</p> <p>23 conversation I wanted David to connect with him as</p> <p>24 his new manager and make sure he felt welcome as</p> <p>25 part of the team.</p>	<p style="text-align: right;">44</p> <p>1 N. Parker</p> <p>2 Q He did not report to David Steele before</p> <p>3 that change in his job?</p> <p>4 A Correct.</p> <p>5 Q What did you expect his response would be,</p> <p>6 Mr. Krinsky?</p> <p>7 MS. AGRETI: Objection, form. You may</p> <p>8 answer.</p> <p>9 A I don't know Marshall that well so I</p> <p>10 didn't -- I didn't have an expectation of how he</p> <p>11 would respond.</p> <p>12 Q Who is Pam Andrews?</p> <p>13 A I've seen that name. I don't remember who</p> <p>14 Pam Andrews is.</p> <p>15 Q Was she also having her job changed for</p> <p>16 the new fiscal year?</p> <p>17 MS. AGRETI: Objection to form. You can</p> <p>18 answer.</p> <p>19 A I don't remember the name so I don't know.</p> <p>20 Q Who is Carrie Robards?</p> <p>21 A Carrie worked for Katherine Smith and</p> <p>22 Carrie focused only on our graphics solutions</p> <p>23 business. She was our HR partner for our graphics</p> <p>24 solutions business.</p> <p>25 MS. SLUSARZ: Let's take a break for</p>

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<p style="text-align: right;">45</p> <p>1 N. Parker</p> <p>2 15 minutes.</p> <p>3 MS. AGRESTI: Okay.</p> <p>4 (Whereupon, a short recess was taken.)</p> <p>5 MS. SLUSARZ: I'm marking Exhibit</p> <p>6 Number 4, which is Westrock0255 through 0256.</p> <p>7 (Plaintiff's Exhibit 4, Marked for Identification.)</p> <p>8 MS. SLUSARZ: Ruthayn, would you back my</p> <p>9 last question?</p> <p>10 (Whereupon, the referred to question was read back</p> <p>11 by the reporter.)</p> <p>12 BY MS. SLUSARZ:</p> <p>13 Q Ms. Parker, please review what's been</p> <p>14 marked as Exhibit 4, and let me know when you have</p> <p>15 had a chance to review it.</p> <p>16 (Witness perusing document.)</p> <p>17 A Okay, I reviewed it.</p> <p>18 Q Have you seen this document before?</p> <p>19 A Yes, it looks like an email between me and</p> <p>20 David Steele back from September of 2022.</p> <p>21 Q It's concerning Marshall Krinsky's change</p> <p>22 in compensation?</p> <p>23 A Yes.</p> <p>24 Q What was Mr. Krinsky's reaction to having</p> <p>25 his compensation changed?</p>	<p style="text-align: right;">46</p> <p>1 N. Parker</p> <p>2 MS. AGRESTI: Objection, form. You may</p> <p>3 answer.</p> <p>4 A According to this email?</p> <p>5 Q Or your recollection.</p> <p>6 A I recall that he was disappointed and</p> <p>7 upset that his compensation was being changed.</p> <p>8 Q Do you see the very last paragraph on the</p> <p>9 first page? It says, Having my compensation cut so</p> <p>10 drastically (by 75 percent) especially based on both</p> <p>11 the above circumstances and the fact that I recently</p> <p>12 secured the contract with Pepperidge Farm seems very</p> <p>13 unfair (to say nothing of the fact that I have</p> <p>14 increased sales over 30% over the past few years and</p> <p>15 have always had positive reviews).</p> <p>16 Do you see that?</p> <p>17 A I see it.</p> <p>18 Q Do you agree with Mr. Krinsky's</p> <p>19 calculation, that his compensation was being cut by</p> <p>20 75 percent?</p> <p>21 MS. AGRESTI: Objection, form. You may</p> <p>22 answer.</p> <p>23 A I don't remember what his compensation was</p> <p>24 before or what it was cut to after. I would need to</p> <p>25 calculate it myself to know if I agree with that</p>
<p style="text-align: right;">47</p> <p>1 N. Parker</p> <p>2 number.</p> <p>3 Q What about in the paragraph above that</p> <p>4 where he says that -- the second line, there is a</p> <p>5 sentence beginning, When I was transferred to</p> <p>6 graphics, I did not have a written agreement. I</p> <p>7 therefore gave my manager, Mark van der Kloet, all</p> <p>8 my commission statements and discussed the matter</p> <p>9 with him. After not getting paid for two months, my</p> <p>10 manager told me that he could not figure out how my</p> <p>11 commissions were calculated and finally said he</p> <p>12 would pay me the same commission amounts I had</p> <p>13 received the previous year.</p> <p>14 Do you see where it says that?</p> <p>15 A I see where it says that, yes.</p> <p>16 Q Are you -- before you received this email,</p> <p>17 were you familiar with the issues Mr. van der Kloet</p> <p>18 had with calculating Mr. Krinsky's commissions?</p> <p>19 MS. AGRESTI: Objection, form. For the</p> <p>20 record, I don't think that Nickie received this</p> <p>21 particular email so I wanted to note that for</p> <p>22 the record.</p> <p>23 A This looks to be a note between David</p> <p>24 Steele and Marshall so I'm reading it now, but I was</p> <p>25 not aware of that.</p>	<p style="text-align: right;">48</p> <p>1 N. Parker</p> <p>2 Q The email immediately above that is from</p> <p>3 David Steele to you; do you agree?</p> <p>4 A Yes.</p> <p>5 Q Is it fair to say you received the email</p> <p>6 we were just reading from in the series that you</p> <p>7 received from David Steele?</p> <p>8 MS. AGRESTI: Objection, form. You may</p> <p>9 answer.</p> <p>10 A It looks to be forwarded as part of this</p> <p>11 email.</p> <p>12 Q Mr. Steele expresses in the email in the</p> <p>13 middle of this page, he writes, This is the expected</p> <p>14 feedback and want to handle this discussion</p> <p>15 appropriately. Should we all get on a call to</p> <p>16 discuss the appropriate path forward?</p> <p>17 Do you see that?</p> <p>18 A I do see that. Yes, I do see that.</p> <p>19 Q What was your response?</p> <p>20 A The email above says, Thanks for the</p> <p>21 update, David. At the end of the day we are</p> <p>22 actively changing commercial compensation plans</p> <p>23 across the entire corrugated segment. We need to</p> <p>24 draft consistent plans and will no longer support</p> <p>25 individual plans. Continue to hold the line that we</p>

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<p style="text-align: right;">49</p> <p>1 N. Parker</p> <p>2 are consolidating plans.</p> <p>3 Q What were you trying to express to</p> <p>4 Mr. Steele?</p> <p>5 A That we had made a decision to move</p> <p>6 Marshall into the graphics business team, that the</p> <p>7 change that we had made was what we were going to</p> <p>8 stick with and that we weren't changing to something</p> <p>9 different.</p> <p>10 Q You keep using the pronoun, we. Are you</p> <p>11 referring to WestRock or are there specific</p> <p>12 individuals?</p> <p>13 A Sorry. Usually I use the word we even</p> <p>14 when I'm talking to me. Me, I made that decision.</p> <p>15 Q Could you have kept Mr. Krinsky on his</p> <p>16 commission-based compensation plan?</p> <p>17 MS. AGRESTI: Objection, form. You may</p> <p>18 answer.</p> <p>19 A It's not something I considered. It was</p> <p>20 important to create consistency so I don't think I</p> <p>21 could have kept him on the current plan.</p> <p>22 MS. SLUSARZ: I would like to mark another</p> <p>23 document. This is Exhibit 5, Bates-stamped</p> <p>24 Westrock0265. It's one page.</p> <p>25 (Plaintiff's Exhibit 5, Marked for Identification.)</p>	<p style="text-align: right;">50</p> <p>1 N. Parker</p> <p>2 MS. AGRESTI: The document is open and she</p> <p>3 will look at it now.</p> <p>4 MS. SLUSARZ: Sure.</p> <p>5 (Witness perusing document.)</p> <p>6 A Okay.</p> <p>7 Q Have you seen this document before?</p> <p>8 A Looks like an email between me and David</p> <p>9 Steele.</p> <p>10 Q Sent on or about September 16, 2022?</p> <p>11 A Yes.</p> <p>12 Q Is it concerning his discussions with</p> <p>13 Marshall?</p> <p>14 A Yes.</p> <p>15 Q Marshall wanted to speak with you as well,</p> <p>16 correct?</p> <p>17 A That's correct.</p> <p>18 Q Did you actually have a conversation with</p> <p>19 him about the change in his compensation?</p> <p>20 A What I remember is being the one that</p> <p>21 communicated the change in compensation and telling</p> <p>22 him that he would be working for David. I do</p> <p>23 remember having a subsequent conversation.</p> <p>24 Q What was the subject of the subsequent</p> <p>25 conversation?</p>
<p style="text-align: right;">51</p> <p>1 N. Parker</p> <p>2 A I remember Marshall just continuing to</p> <p>3 appeal to, please keep it the way it was and not</p> <p>4 make the change.</p> <p>5 Q When you were in charge of graphics</p> <p>6 solutions, did your compensation depend at all upon</p> <p>7 the profitability of the graphics solutions</p> <p>8 department?</p> <p>9 MS. AGRESTI: Objection, form. You may</p> <p>10 answer.</p> <p>11 A My compensation -- my short-term</p> <p>12 incentive, which was a small portion of my</p> <p>13 compensation, depended on the merchandising displays</p> <p>14 and graphics solutions business meeting the business</p> <p>15 objectives.</p> <p>16 Q Does the business objective --</p> <p>17 A I don't recall at the time if those were</p> <p>18 operational or EBITDA objectives. I don't recall</p> <p>19 the makeup of the short-term incentive plan at that</p> <p>20 time. Those, for us, usually changed every year.</p> <p>21 Q You don't recall if the profitability of</p> <p>22 graphics solutions was part of your short-term</p> <p>23 incentive pay?</p> <p>24 MS. AGRESTI: Objection, form. You may</p> <p>25 answer.</p>	<p style="text-align: right;">52</p> <p>1 N. Parker</p> <p>2 A It wouldn't have been that specifically.</p> <p>3 A portion of it may have been based on overall</p> <p>4 revenue of displays and graphics combined, but it</p> <p>5 wouldn't have been graphics solutions' profitability</p> <p>6 the way you're asking me. It wouldn't be that</p> <p>7 specific.</p> <p>8 Q Well, would you agree with me that one of</p> <p>9 the ramifications of changing Mr. Krinsky's</p> <p>10 compensation is that WestRock got to keep more of</p> <p>11 the money it collected from Pepperidge Farm?</p> <p>12 MS. AGRESTI: Objection, form. You may</p> <p>13 answer.</p> <p>14 A I agree that -- ask it again. I'm sorry.</p> <p>15 Q Am I correct that by changing</p> <p>16 Mr. Krinsky's compensation, WestRock kept more of</p> <p>17 the money it collected from Pepperidge Farm?</p> <p>18 MS. AGRESTI: Objection, form. You may</p> <p>19 answer.</p> <p>20 A WestRock kept more, yes. WestRock kept</p> <p>21 more of the revenue it collected from Pepperidge</p> <p>22 Farm.</p> <p>23 Q To your recollection, did keeping more of</p> <p>24 the revenue affect your compensation?</p> <p>25 A It did not impact my compensation. Again,</p>

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<p style="text-align: right;">53</p> <p>1 N. Parker</p> <p>2 my short-term incentive, it wouldn't have been</p> <p>3 specifically the profitability of graphics solutions</p> <p>4 business, but in the overall business result -- it</p> <p>5 would have had a very small impact, if at all, on my</p> <p>6 overall short-term incentive. It would not have</p> <p>7 been something I would have considered as part of</p> <p>8 this decision.</p> <p>9 Q You talked about short-term incentive.</p> <p>10 Was there a long-term incentive as well? Did a</p> <p>11 long-term incentive also comprise part of your</p> <p>12 compensation?</p> <p>13 A Long-term incentive did compromise part of</p> <p>14 my compensation.</p> <p>15 Q What did that consist of?</p> <p>16 A It's subjective and those decisions are</p> <p>17 made by senior leaders on who they are trying to</p> <p>18 keep at WestRock long term.</p> <p>19 Q Was it a stock plan?</p> <p>20 A It was, yes. I think it's also important</p> <p>21 to note that I took over responsibility for this</p> <p>22 graphics business about halfway through a fiscal</p> <p>23 year, and so my incentive plan for that fiscal year</p> <p>24 did not change when I took over this business.</p> <p>25 My base salary compensation changed,</p>	<p style="text-align: right;">54</p> <p>1 N. Parker</p> <p>2 but my short-term incentive did not. We can go back</p> <p>3 and look, but it didn't get recast to include the</p> <p>4 graphics business. That would have happened on the</p> <p>5 next fiscal year. I had moved then into a new</p> <p>6 business at that point.</p> <p>7 Q Was WestRock trying to get rid of</p> <p>8 Mr. Krinsky by cutting his income by 75 percent?</p> <p>9 MS. AGRESTI: Objection, form. You may</p> <p>10 answer.</p> <p>11 A I don't know who WestRock is. Can you be</p> <p>12 more specific?</p> <p>13 Q Was the merchandising displays and</p> <p>14 graphics solutions business, were they trying to get</p> <p>15 rid of Mr. Krinsky by cutting his income by</p> <p>16 75 percent?</p> <p>17 MS. AGRESTI: Objection, form. You may</p> <p>18 answer.</p> <p>19 A I was the leader of that business and I</p> <p>20 was not trying to get rid of Mr. Krinsky.</p> <p>21 Q What did you think was the likely -- his</p> <p>22 likely reaction to having his income cut by</p> <p>23 75 percent?</p> <p>24 MS. AGRESTI: Objection, form. You may</p> <p>25 answer.</p>
<p style="text-align: right;">55</p> <p>1 N. Parker</p> <p>2 A I anticipated -- any time there's change,</p> <p>3 people are upset with change and so I thought about</p> <p>4 that and that's one reason I wanted to make sure</p> <p>5 that David Steele talked to him right away. You can</p> <p>6 see that in those emails. But no, I did not want</p> <p>7 him to leave WestRock. For consistency with</p> <p>8 customers, I wanted him to be there.</p> <p>9 Q You're saying even though you cut his</p> <p>10 income by 75 percent, you did not think that that</p> <p>11 would motivate him to move to another company?</p> <p>12 MS. AGRESTI: Objection, form. You may</p> <p>13 answer.</p> <p>14 A I did not.</p> <p>15 Q In your years of experience as a manager,</p> <p>16 have you ever had another situation where a</p> <p>17 subordinate's income was cut by 75 percent?</p> <p>18 MS. AGRESTI: Objection, form. You may</p> <p>19 answer.</p> <p>20 A To be clear, I don't know that his salary</p> <p>21 was cut by 75 percent. When I look at this email,</p> <p>22 it looks like it's not considering his short-term</p> <p>23 bonus, so I don't believe it was 75 percent. So I</p> <p>24 have had other instances where employees' salaries</p> <p>25 were cut during my time as a manager.</p>	<p style="text-align: right;">56</p> <p>1 N. Parker</p> <p>2 Q Those employees whose salaries were cut,</p> <p>3 approximately what percentage were they cut by?</p> <p>4 MS. AGRESTI: Objection, form. You may</p> <p>5 answer.</p> <p>6 A I don't recall.</p> <p>7 Q Do you recall if it was more than</p> <p>8 10 percent?</p> <p>9 MS. AGRESTI: Objection, form. You may</p> <p>10 answer.</p> <p>11 A I really don't recall.</p> <p>12 Q Of those employees whose salaries were</p> <p>13 cut, how many of them remained employees six months</p> <p>14 after the fact?</p> <p>15 MS. AGRESTI: Objection, form. You may</p> <p>16 answer.</p> <p>17 A I don't recall.</p> <p>18 Q Do you recall if any of them left after</p> <p>19 having their salary cut?</p> <p>20 MS. AGRESTI: Objection, form. You may</p> <p>21 answer.</p> <p>22 A I really don't remember any specific</p> <p>23 incident where the person left.</p> <p>24 Q What would you do if your salary were cut</p> <p>25 by 75 percent, or rather your income were cut by</p>

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<p style="text-align: right;">57</p> <p>1 N. Parker</p> <p>2 75 percent?</p> <p>3 MS. AGRESTI: Objection, form. You may</p> <p>4 answer.</p> <p>5 A Again, I'm not clear that his salary was</p> <p>6 cut by 75 percent. I don't know what I would do.</p> <p>7 Q Do you think that a pay cut of any kind is</p> <p>8 a reflection of how the company values your work?</p> <p>9 MS. AGRESTI: Objection, form. You may</p> <p>10 answer.</p> <p>11 A I don't believe that a pay cut is how</p> <p>12 someone values you. I believe what you're paid is</p> <p>13 in concert with what your role is and that's how I</p> <p>14 see pay versus your role, and not how you're valued.</p> <p>15 MS. SLUSARZ: I would like to mark another</p> <p>16 document. This is Exhibit Number 6. It's</p> <p>17 Bates-stamped Krinsky00087 through 90.</p> <p>18 (Plaintiff's Exhibit 6, Marked for Identification.)</p> <p>19 BY MS. SLUSARZ:</p> <p>20 Q Please take a few moments to look through.</p> <p>21 MS. AGRESTI: Exhibit 5?</p> <p>22 MS. SLUSARZ: Exhibit 6.</p> <p>23 MS. AGRESTI: We are downloading the</p> <p>24 document now.</p> <p>25 MS. SLUSARZ: Okay.</p>	<p style="text-align: right;">58</p> <p>1 N. Parker</p> <p>2 (Witness perusing document.)</p> <p>3 A Okay.</p> <p>4 BY MS. SLUSARZ:</p> <p>5 Q Ms. Parker, have you seen this document</p> <p>6 before?</p> <p>7 A It looks like I was copied on the email</p> <p>8 from David Steele to Marshall in September of 2022.</p> <p>9 Q In September of 2022, is it still</p> <p>10 unsettled, the issue of Mr. Krinsky's compensation?</p> <p>11 MS. AGRESTI: Objection, form. You may</p> <p>12 answer.</p> <p>13 A At this point, I believe it was settled.</p> <p>14 We had communicated to Mr. Krinsky in early</p> <p>15 September that this would be taking place</p> <p>16 October 1st, so in my mind this was settled.</p> <p>17 Q Do you see the line, it's on the first</p> <p>18 page, the second from the bottom. Mr. Steele</p> <p>19 writes, Understand that this program has been</p> <p>20 accepted by the rest of the team and is consistent</p> <p>21 with the alignment across the division.</p> <p>22 Do you see that?</p> <p>23 A I do.</p> <p>24 Q Was there a broader compensation change</p> <p>25 within the graphics solutions group that involved</p>
<p style="text-align: right;">59</p> <p>1 N. Parker</p> <p>2 people other than Mr. Krinsky?</p> <p>3 A I don't recall but that is what this</p> <p>4 suggests.</p> <p>5 MS. SLUSARZ: I would like to mark another</p> <p>6 document. This is Exhibit 7 and the Bates</p> <p>7 number is Krinsky91 through 93.</p> <p>8 (Plaintiff's Exhibit 7, Marked for Identification.)</p> <p>9 (Witness perusing document.)</p> <p>10 MS. AGRESTI: The document is open and</p> <p>11 Nickie is looking at it now.</p> <p>12 MS. SLUSARZ: Okay.</p> <p>13 THE WITNESS: Okay.</p> <p>14 BY MS. SLUSARZ:</p> <p>15 Q The email at the bottom of this page, have</p> <p>16 you seen this document before?</p> <p>17 A It looks like it was an email from me to</p> <p>18 Marshall on September 20th.</p> <p>19 Q Of 2022?</p> <p>20 A 2022, yes.</p> <p>21 Q Are you setting forth his new compensation</p> <p>22 plan?</p> <p>23 A Yes.</p> <p>24 Q The second-to-last line on page one, it</p> <p>25 says, Effective on October 1, 2022 -- let me start</p>	<p style="text-align: right;">60</p> <p>1 N. Parker</p> <p>2 over.</p> <p>3 The paragraph begins, As we also</p> <p>4 discussed, WestRock will be increasing your annual</p> <p>5 base salary amount. Effective on October 1, 2022,</p> <p>6 your annual base salary will be \$145,000.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q What was Mr. Krinsky's base salary before</p> <p>10 this change took effect?</p> <p>11 A I don't recall. I don't recall.</p> <p>12 Q Do you recall what his earnings were in</p> <p>13 the year prior to this?</p> <p>14 A I do not.</p> <p>15 Q Do you know if Mr. Krinsky was earning</p> <p>16 more than \$500,000 per year before this change took</p> <p>17 effect?</p> <p>18 MS. AGRESTI: Objection, form. You may</p> <p>19 answer.</p> <p>20 A I don't recall.</p> <p>21 Q Do you recall that Mr. Krinsky was earning</p> <p>22 substantially more than \$145,000 for the year?</p> <p>23 MS. AGRESTI: Objection, form. You may</p> <p>24 answer.</p> <p>25 A I do recall that he was making more than</p>

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<p style="text-align: right;">61</p> <p>1 N. Parker</p> <p>2 what we took his salary to, but again, I don't</p> <p>3 remember the exact numbers.</p> <p>4 Q In that first paragraph it says that -- it</p> <p>5 starts, As we discussed today, WestRock will be</p> <p>6 reducing your annual commission amount. Effective</p> <p>7 October 1, 2022, your new commission amount will be</p> <p>8 a maximum of \$58,000 for fiscal year 2023.</p> <p>9 Do you see that?</p> <p>10 A I do see that, yes.</p> <p>11 Q Between his annual base salary and his</p> <p>12 commission, the most that Mr. Krinsky could possibly</p> <p>13 earn would be \$203,000 per year, correct?</p> <p>14 MS. AGRESTI: Objection, form. You may</p> <p>15 answer.</p> <p>16 A I don't know if the incentive plan had</p> <p>17 tiers for how much for additional above that</p> <p>18 \$58,000. It looks like that says that was the</p> <p>19 maximum, I don't recall. I know there were tiers</p> <p>20 built into it on how you met target versus being</p> <p>21 higher than your target. It says maximum, so I</p> <p>22 assume that was the total max, but I don't recall</p> <p>23 the specifics of the plan.</p> <p>24 Q Assuming that's the maximum, is it correct</p> <p>25 that the most he could earn in the fiscal year 2023</p>	<p style="text-align: right;">62</p> <p>1 N. Parker</p> <p>2 is \$203,000 per year?</p> <p>3 MS. AGRESTI: Objection, form. You may</p> <p>4 answer.</p> <p>5 A Again, I don't remember the specifics of</p> <p>6 the plan, but if this is the max and the target base</p> <p>7 salary then that would be the maximum.</p> <p>8 Q It would be \$145,000 plus \$58,000,</p> <p>9 correct?</p> <p>10 MS. AGRESTI: Objection to form.</p> <p>11 A I don't know if those are all the tiers</p> <p>12 because I don't remember the specifics of the plan,</p> <p>13 but if this is saying that was the max and that's</p> <p>14 the base salary, then that's the salary plus</p> <p>15 incentive.</p> <p>16 Q Assuming that this maximum of \$58,000 is</p> <p>17 correct, then the most that Mr. Krinsky could earn</p> <p>18 for the fiscal year 2023 is \$58,000 plus \$145,000?</p> <p>19 MS. AGRESTI: Objection, form. You may</p> <p>20 answer.</p> <p>21 A I don't recall specifics about all the</p> <p>22 tiers, and I knew all of these plans had tiers. If</p> <p>23 this is saying that is the max, plus that's the</p> <p>24 salary, then that would be the maximum that he could</p> <p>25 make.</p>
<p style="text-align: right;">63</p> <p>1 N. Parker</p> <p>2 MS. SLUSARZ: I would like to mark another</p> <p>3 exhibit. It is Bates-stamped Westrock257.</p> <p>4 (Plaintiff's Exhibit 8, Marked for Identification.)</p> <p>5 MS. SLUSARZ: I will pull it up.</p> <p>6 MS. AGRESTI: While we do that, I want to</p> <p>7 mark an objection on the record. The reference</p> <p>8 to 75 percent keeps being made, but I don't</p> <p>9 know that that's an actual calculation.</p> <p>10 I want to mark that for the record that,</p> <p>11 to the extent that 75 percent is consistently</p> <p>12 being used, that's not necessarily an accurate</p> <p>13 percentage here. I just want to note that for</p> <p>14 the record.</p> <p>15 MS. SLUSARZ: I'm reading that from the</p> <p>16 document in front of me.</p> <p>17 MS. AGRESTI: Understood.</p> <p>18 MS. SLUSARZ: I agree that may not be</p> <p>19 mathematically accurate.</p> <p>20 MS. AGRESTI: Yes, that's what we're</p> <p>21 saying that that might not be mathematically</p> <p>22 accurate. I understand you were reading that</p> <p>23 from Mr. Krinsky's email. I want to note that</p> <p>24 that is not necessarily mathematically</p> <p>25 accurate.</p>	<p style="text-align: right;">64</p> <p>1 N. Parker</p> <p>2 BY MS. SLUSARZ:</p> <p>3 Q Please take a look at what's been marked</p> <p>4 as Exhibit 8. It's Bates-stamped Westrock257.</p> <p>5 (Witness perusing document.)</p> <p>6 MS. AGRESTI: The document is open. We</p> <p>7 are looking at it now.</p> <p>8 A Okay.</p> <p>9 Q Ms. Parker, have you seen this document</p> <p>10 before?</p> <p>11 A It looks like I was copied on, yes, these</p> <p>12 emails. Maybe not the first one but the second and</p> <p>13 third.</p> <p>14 Q The email at the bottom of the page is</p> <p>15 from David Steele concerning a need for some</p> <p>16 training on October 12th, correct?</p> <p>17 A I wasn't copied on that, yes, but yes,</p> <p>18 that's what it looks like.</p> <p>19 Q Do you know who Elizabeth Rigdon is?</p> <p>20 A Yes. Liz was part of -- she led our</p> <p>21 customer service team. She also led scheduling, so</p> <p>22 she had a lot of supply chain functions for our</p> <p>23 preprint business.</p> <p>24 Q Who is Jill Heishman?</p> <p>25 A Jill is also part of our supply chain</p>

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<p style="text-align: right;">65</p> <p>1 N. Parker</p> <p>2 team. She managed our litho packaging business so</p> <p>3 she had customer service, scheduling all of those</p> <p>4 things for our litho packaging business. Those</p> <p>5 would both be support functions for any of our</p> <p>6 sellers.</p> <p>7 Q The next email -- the one that starts</p> <p>8 about maybe a quarter of the way down the page, the</p> <p>9 second one on the page from David Steele, and you</p> <p>10 are copied on this one, correct?</p> <p>11 A Yes.</p> <p>12 Q Do you agree with me that Mr. Steele, in</p> <p>13 this email, he's talking about job responsibilities</p> <p>14 that Marshall said he had never had to do in the</p> <p>15 past?</p> <p>16 MS. AGRESTI: Objection, form. You may</p> <p>17 answer.</p> <p>18 A I agree that's what the email says. I</p> <p>19 don't agree that sellers had never been asked to do</p> <p>20 these things in the past.</p> <p>21 Q Do you know for a fact whether Mr. Krinsky</p> <p>22 had been asked to do these tasks in the past?</p> <p>23 MS. AGRESTI: Objection, form. You may</p> <p>24 answer.</p> <p>25 A Every seller is expected to work with</p>	<p style="text-align: right;">66</p> <p>1 N. Parker</p> <p>2 their customer service representatives and their</p> <p>3 scheduling teams to manage business with their</p> <p>4 customer, so it would surprise me if he had not been</p> <p>5 asked to do these things because that's one of the</p> <p>6 main jobs of a salesperson.</p> <p>7 Q At the end of the third line, Mr. Steele</p> <p>8 writes, His attitude is toxic at this point and if</p> <p>9 he doesn't improve we will need to develop a plan to</p> <p>10 deal with his behavior; do you see that?</p> <p>11 A I see that.</p> <p>12 Q The last sentence is, Again this is just</p> <p>13 my start of documentation for Marshall.</p> <p>14 Do you see that?</p> <p>15 A I see that.</p> <p>16 Q To your knowledge, what was Mr. Steele</p> <p>17 documenting?</p> <p>18 MS. AGRESTI: Objection, form. You may</p> <p>19 answer.</p> <p>20 A To my knowledge, the feedback I had been</p> <p>21 given is that he didn't know how to price new</p> <p>22 quotes, work with our teams the right way and,</p> <p>23 again, that's a basic function of sales in any role,</p> <p>24 no matter what the title, that's called.</p> <p>25 And so I know we were getting</p>
<p style="text-align: right;">67</p> <p>1 N. Parker</p> <p>2 pushback from Marshall as he was being asked to</p> <p>3 manage this customer the way that we needed him to</p> <p>4 manage the customer. I'm sure that I asked David to</p> <p>5 document pushback he would get, as I'd give that</p> <p>6 guidance to any manager that was getting pushback</p> <p>7 from a sales rep.</p> <p>8 Q What was the purpose of documenting the</p> <p>9 pushback he was getting?</p> <p>10 MS. AGRESTI: Objection, form. You may</p> <p>11 answer.</p> <p>12 A Because you get several years down the</p> <p>13 road and don't remember what happens and so, just as</p> <p>14 a recollection, as we were making these changes in</p> <p>15 his role, what his reaction was and what was</p> <p>16 happening.</p> <p>17 Q What was the importance of documenting his</p> <p>18 reaction in what was happening?</p> <p>19 MS. AGRESTI: Objection, form. You may</p> <p>20 answer.</p> <p>21 A I think it's important when we go back at</p> <p>22 end of year to have the next years, because we are</p> <p>23 already into the new fiscal year. So when we go to</p> <p>24 the next year to have the performance evaluation,</p> <p>25 that that could be part of his performance</p>	<p style="text-align: right;">68</p> <p>1 N. Parker</p> <p>2 evaluation.</p> <p>3 Q At the top of the page, the first email on</p> <p>4 this page you write, My guidance is to be as</p> <p>5 specific as possible when documenting behavior. You</p> <p>6 need to document dates and situations. You also</p> <p>7 need to document when you set expectations for</p> <p>8 reporting, meetings, training, et cetera. I'd</p> <p>9 recommend following the training in Jax that you</p> <p>10 send an email to him stating what you learned and</p> <p>11 the expectation. It needs to be clear it was</p> <p>12 communicated to him.</p> <p>13 Do you see that?</p> <p>14 A I do.</p> <p>15 Q In October 2022, was WestRock considering</p> <p>16 terminating Mr. Krinsky's employment?</p> <p>17 MS. AGRESTI: Objection, form. You may</p> <p>18 answer.</p> <p>19 A When you say WestRock, I can speak for</p> <p>20 myself only. I don't know who WestRock is. At that</p> <p>21 point, I was not considering terminating Marshall,</p> <p>22 no.</p> <p>23 Q Jax, that's stands for Jacksonville,</p> <p>24 correct?</p> <p>25 A Correct.</p>

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<p style="text-align: right;">69</p> <p>1 N. Parker</p> <p>2 Q Did this training in Jacksonville actually</p> <p>3 take place, to your knowledge?</p> <p>4 A I don't know.</p> <p>5 MS. SLUSARZ: I would like to mark</p> <p>6 Exhibit 9, which is Bates-stamped Westrock263</p> <p>7 through 264.</p> <p>8 (Plaintiff's Exhibit 9, Marked for Identification.)</p> <p>9 MS. SLUSARZ: I just dropped it in the</p> <p>10 chat.</p> <p>11 MS. AGRESTI: All right. The document is</p> <p>12 open.</p> <p>13 (Witness perusing document.)</p> <p>14 THE WITNESS: Okay.</p> <p>15 BY MS. SLUSARZ:</p> <p>16 Q Have you seen this document before?</p> <p>17 A This is between Carrie Robards and David</p> <p>18 Steele. It doesn't look like I was copied on any of</p> <p>19 these, so I don't recall these emails.</p> <p>20 Q Did you have any discussion with David</p> <p>21 Steele that encompassed the subject matter of these</p> <p>22 emails?</p> <p>23 MS. AGRESTI: Objection, form. You may</p> <p>24 answer.</p> <p>25 A Not that I recall.</p>	<p style="text-align: right;">70</p> <p>1 N. Parker</p> <p>2 MS. SLUSARZ: I'm going to mark another</p> <p>3 exhibit. It is Bates-stamped Krinsky39.</p> <p>4 (Plaintiff's Exhibit 10, Marked for Identification.)</p> <p>5 MS. SLUSARZ: You will probably need to</p> <p>6 enlarge it on your screen because it's very</p> <p>7 small.</p> <p>8 MS. AGRESTI: This was produced by</p> <p>9 Mr. Krinsky. The document is open and we are</p> <p>10 trying to zoom in as much as possible.</p> <p>11 THE WITNESS: Okay, I'm looking at it.</p> <p>12 Okay.</p> <p>13 BY MS. SLUSARZ:</p> <p>14 Q Have you seen this document before?</p> <p>15 A I don't believe I have, no.</p> <p>16 Q Have you seen a document in this form</p> <p>17 before?</p> <p>18 A I don't believe I have. I'm trying to see</p> <p>19 what it tells us. No, I haven't seen one of these</p> <p>20 before.</p> <p>21 Q Okay. To your knowledge, did anyone</p> <p>22 receive a 2 percent commission on Pepperidge Farm</p> <p>23 sales in August 2023?</p> <p>24 A Not to my knowledge.</p> <p>25 MS. SLUSARZ: I would like to take a</p>
<p style="text-align: right;">71</p> <p>1 N. Parker</p> <p>2 ten-minute break because I mismarked the next</p> <p>3 couple of documents instead of having you wait</p> <p>4 while I fumble. If we can break until 12:12,</p> <p>5 that would probably save some hassle.</p> <p>6 MS. AGRESTI: Give me one minute here.</p> <p>7 That's no problem here.</p> <p>8 MS. SLUSARZ: Sure.</p> <p>9 MS. AGRESTI: We would suggest at this</p> <p>10 time maybe taking a lunch since, it's about</p> <p>11 lunchtime and we are going to have to break</p> <p>12 anyway. Does that work?</p> <p>13 MS. SLUSARZ: That works for me. How long</p> <p>14 do you need?</p> <p>15 MS. AGRESTI: Thirty minutes.</p> <p>16 MS. SLUSARZ: Okay, 30 minutes. So let's</p> <p>17 reconvene around 12:35.</p> <p>18 MS. AGRESTI: That's fine. Thanks so</p> <p>19 much.</p> <p>20</p> <p>21 (Luncheon recess: 12:02 p.m.)</p> <p>22 ***</p> <p>23 (Afternoon session: 12:40 p.m.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">72</p> <p>1 N. Parker</p> <p>2 NICKIE PARKER, resumed, having</p> <p>3 been previously duly sworn, was examined and</p> <p>4 testified further as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MS. SLUSARZ: (Continued)</p> <p>7 MS. AGRESTI: Before we continue, we did</p> <p>8 not discuss stipulations at the beginning of</p> <p>9 the deposition, I don't want us to forget to do</p> <p>10 that. Really quickly, I believe we have the</p> <p>11 same stipulations that we had at the other</p> <p>12 depositions, which is that we reserve</p> <p>13 objections and that we will review and sign; is</p> <p>14 that okay with you, Fran?</p> <p>15 MS. SLUSARZ: That's fine.</p> <p>16 MS. AGRESTI: Thank you. I wanted to make</p> <p>17 sure we got that on the record. Thank you.</p> <p>18 MS. SLUSARZ: I would like to mark</p> <p>19 Exhibit 11, which is a spreadsheet that was</p> <p>20 produced in native form, Bates-stamped</p> <p>21 Krinsky32.</p> <p>22 (Plaintiff's Exhibit 11, Marked for Identification.)</p> <p>23 MS. AGRESTI: This is Exhibit 11?</p> <p>24 MS. SLUSARZ: Yes.</p> <p>25 MS. AGRESTI: We are downloading it now.</p>

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<p style="text-align: right;">73</p> <p>1 N. Parker</p> <p>2 (Witness perusing document.)</p> <p>3 THE WITNESS: Okay.</p> <p>4 BY MS. SLUSARZ:</p> <p>5 Q Have you seen this document before,</p> <p>6 Ms. Parker?</p> <p>7 A I don't remember seeing Marshall's</p> <p>8 specifically, but this is the format for all of our</p> <p>9 sales, our graphics business managers.</p> <p>10 Q What does this chart communicate?</p> <p>11 A Their 2023 budget and incentive plan based</p> <p>12 on their budget for that year and it has that annual</p> <p>13 salary and then additional incentive payout based on</p> <p>14 where they are in that plan.</p> <p>15 Q What is -- according to this chart, what</p> <p>16 incentive payout had Mr. Krinsky earned as of</p> <p>17 August 2023?</p> <p>18 A I don't remember what his -- does it have</p> <p>19 it on here? Let's see. Okay. Let me read this.</p> <p>20 MS. AGRESTI: I'll object to form. You</p> <p>21 may answer.</p> <p>22 A If I kind of talk through it, his preprint</p> <p>23 Pepperidge Farms budget was 101 and new business was</p> <p>24 21, for a total of 122 for October. It looks like</p> <p>25 his actual was 157.</p>	<p style="text-align: right;">74</p> <p>1 N. Parker</p> <p>2 If I go through and look at the full</p> <p>3 year, or through August, looks like his target --</p> <p>4 his budget was 1,032 rolls. That looks like for the</p> <p>5 full year. If you subtract out September, let's</p> <p>6 see -- so through August, year to date would have</p> <p>7 been 929, and it looks like he's at 1,028.</p> <p>8 But new business, he had a target of</p> <p>9 273, and it looks like he was at zero, so that's on</p> <p>10 preprint. And then on litho budget, would have been</p> <p>11 \$2,200,000 for Pepperidge and \$125,000 minus</p> <p>12 \$13,000, so at that point \$111,111 for new business.</p> <p>13 It looks like he had met 7.6 million for litho, and</p> <p>14 111 -- or zero for new business.</p> <p>15 Q Okay. At the top of the page is that a</p> <p>16 summary of his incentive payments toward the right</p> <p>17 half of the page?</p> <p>18 MS. AGRESTI: Are we talking -- can you</p> <p>19 share your screen so we are all on the same</p> <p>20 page?</p> <p>21 MS. SLUSARZ: Sure.</p> <p>22 BY MS. SLUSARZ:</p> <p>23 Q I'm trying to understand what this -- the</p> <p>24 green and the aqua boxes, whether they are telling</p> <p>25 us potential numbers or actual numbers?</p>
<p style="text-align: right;">75</p> <p>1 N. Parker</p> <p>2 MS. AGRESTI: To be clear, columns J</p> <p>3 through O?</p> <p>4 MS. SLUSARZ: Yes.</p> <p>5 A It looks like the other ones are target.</p> <p>6 I will admit, I don't typically deal with this</p> <p>7 level. My sales manager would deal with it. I'm</p> <p>8 trying to look at it and figure it out as well. I'm</p> <p>9 not exactly sure what it's telling me. I'd have to</p> <p>10 go back and add up these numbers.</p> <p>11 Q That's not necessary.</p> <p>12 A Okay. I don't know what those columns J</p> <p>13 through O are telling us.</p> <p>14 Q Just to confirm, you stopped being the</p> <p>15 senior vice president for merchandising displays and</p> <p>16 graphics solutions in October 2022, correct?</p> <p>17 A That's correct, yes. So I was not here</p> <p>18 for this 2023 year.</p> <p>19 Q Did you play any role in the decision to</p> <p>20 place Mr. Krinsky on a performance improvement plan?</p> <p>21 A I did not.</p> <p>22 Q Did you play any role in the decision to</p> <p>23 terminate Mr. Krinsky's employment?</p> <p>24 A I did not.</p> <p>25 MS. SLUSARZ: I would like to take a short</p>	<p style="text-align: right;">76</p> <p>1 N. Parker</p> <p>2 break just to go through my notes and I may be</p> <p>3 finished. So can we take about five or</p> <p>4 ten minutes?</p> <p>5 MS. AGRESTI: That's fine.</p> <p>6 MS. SLUSARZ: Let's reconvene at</p> <p>7 one o'clock. I should know if there is</p> <p>8 anything else I need to ask.</p> <p>9 MS. AGRESTI: Sounds good. Thank you.</p> <p>10 (Whereupon, a short recess was taken.)</p> <p>11 BY MS. SLUSARZ:</p> <p>12 Q I have a few more questions.</p> <p>13 Ms. Parker, you testified earlier</p> <p>14 that met with Mr. Krinsky twice to discuss the</p> <p>15 change in his compensation; is that correct?</p> <p>16 A I remember meeting with him to communicate</p> <p>17 the change and I also remember having a conversation</p> <p>18 with him after that, yes. It may have been more</p> <p>19 times than that, but those are two that I recall,</p> <p>20 yes.</p> <p>21 Q Do you recall telling him that if he does</p> <p>22 not like the change, he can leave?</p> <p>23 A I don't recall that, no.</p> <p>24 Q I understand you're in Atlanta right now?</p> <p>25 A Yes.</p>

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N. Parker

Q Is that the headquarters of Smurfit WestRock?

A It's the U.S. headquarters.

MS. SLUSARZ: I don't have any other questions.

MS. AGRESTI: We don't have any questions either.

MS. SLUSARZ: Great. Ms. Parker, thank you very much for your time this morning and afternoon and best of luck to you.

THE WITNESS: Thank you.

THE REPORTER: Ms. Agresti, will you be purchasing a copy of this transcript?

MS. AGRESTI: Yes.

(Time noted: 1:02 p.m.)

NICKIE PARKER

Subscribed and sworn to before me this ____ day of _____ 2024.

_____, Notary Public.

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N. Parker

I N D E X

WITNESS

NICKIE PARKER

EXAMINATION BY

MS. SLUSARZ

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Attorney Slusarz has retained all exhibits.

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) ss.:

COUNTY OF QUEENS)

I, RUTHAYN SHALOM, a Court Reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that the within transcript is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of August, 2024.

Ruthayn Shalom

RUTHAYN SHALOM

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ERRATA SHEET

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DATE OF DEPOSITION: July 29, 2024

NAME OF DEPONENT: Nickie Parker

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NICKIE PARKER

Subscribed and sworn to before me this ____ day of _____, 2024

_____, Notary Public.

MY COMMISSION EXPIRES:

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